

House Resolution 50 - Introduced

HOUSE RESOLUTION NO. 50

BY SHAW, ALONS, DE BOEF, MASSIE, and PEARSON

1 A Resolution impeaching Supreme Court Justice David S.
2 Wiggins for malfeasance in office.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
4 Supreme Court Justice David S. Wiggins is impeached
5 for malfeasance in office, and that the following
6 article of impeachment be exhibited and presented to
7 the Senate:

8 That Supreme Court Justice David S. Wiggins in
9 violation of his constitutional oath undertaken before
10 taking office to support the Constitution of the United
11 States and the Constitution of the State of Iowa, has
12 committed malfeasance in office through his action to
13 sanction marriage between persons of the same sex in
14 the Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009), ruling
15 issued on April 3, 2009, by the following conduct:

16 ARTICLE I

17 By unconstitutionally exercising functions properly
18 belonging to the legislative and executive departments
19 as follows:

20 (1) By his action in the Varnum case, Justice
21 Wiggins improperly assumed the function and role of
22 an elected legislator by ordering that the language in
23 Iowa Code section 595.2 limiting civil marriage to a
24 man and a woman must be stricken from the statute as
25 enacted by the legislative department and approved by
26 the governor of the executive department in 1998.

27 (2) By his action in the Varnum case, Justice
28 Wiggins knowingly and intentionally usurped the proper

1 function delegated solely and exclusively to the
2 legislative department of declaring public policy,
3 through his judicial declaration of a new public policy
4 contrary to long-standing public policy acknowledged
5 by society and established in Iowa Code section 595.2,
6 subsection 1.

7 (3) By his action in the Varnum case, Justice
8 Wiggins has improperly required the executive
9 department to issue marriage licenses to parties of the
10 same sex in direct contravention of Iowa Code section
11 595.2.

12 (4) By his action in the Varnum case, Justice
13 Wiggins has created a constitutional crisis regarding
14 the enforcement of the Varnum ruling by allowing
15 different interpretations of the definition of marriage
16 to exist indefinitely within the separate departments
17 of government, leaving the people with no immediate
18 remedy to address this crisis.

19 (5) By his action in the Varnum case, Justice
20 Wiggins has created a constitutional imbalance and
21 confusion within the State of Iowa as to the proper
22 constitutional function of each department, thus
23 undermining the integrity of the tripartite separation
24 of powers among the departments and creating social
25 disorder and unrest.

26 BE IT FURTHER RESOLVED BY THE HOUSE, That the
27 conduct of Supreme Court Justice David S. Wiggins, in
28 committing malfeasance in office, warrants impeachment,
29 trial by the Senate, and removal and disqualification
30 from any office of honor, trust, or profit under the

1 state pursuant to the procedures set out in Iowa Code
2 chapter 68.